

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
JUL 24 2018

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Case No.

18mr642

A white Nissan Frontier truck with New Mexico license
plate PJJ-596, VIN number 1N6DD0FV0HN715851

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

A white Nissan Frontier truck with New Mexico license plate PJJ-596, VIN number 1N6DD0FV0HN715851.

located in the McKinley County District of New Mexico, there is now concealed (identify the person or describe the property to be seized): Any evidence including air bag module, sensors, Engine Control Module (DCM), or vehicle Control Module, and any property with a full body inspection which is evidence of a crime or property designed for use, intended for use or which is or has been used as means of committing a criminal offense from the white Nissan Frontier truck. (malfunctioning equipment) related to the vehicle crash described in the attached affidavit) scy

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18USC

1153, 1112(a) & 113 (a)(6)

The application is based on these facts:

See attached statement of Probable Cause.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days; _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Benjamin Yazzie, Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date:

7/24/18

City and state: Albuquerque, New Mexico

Judge's signature

Steven C. Harbrough

Printed name and title

U.S. MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

In the Matter of the Search of
2017 white extended cab Nissan Frontier)
New Mexico license PJJ-596)
VIN Number 1N6DD0FV0HN715851)
Registered to Alice Etsitty and Wilson Joe)

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, the undersigned, being duly sworn, depose and say as follows:

1. I am a Criminal Investigator (CI) for the Navajo Department of Criminal Investigation (NDCI); I am currently assigned to the Crownpoint Police District, Crownpoint, New Mexico. Currently my duties include, but not limited to investigation of homicide, aggravated assaults, sexual assaults, crimes against children, vehicular crashes resulting in death, and other violent crimes, that occur within the exterior boundaries of the Navajo Indian Reservation. I have served in the capacity of a Police Officer and as a Criminal Investigator for approximately 19 years. I currently hold a Special Law Enforcement Commission (SLEC) through the Bureau of Indian Affairs - Office of Law Enforcement Services (BIA-LES), and my commission expires on 02/06/2021. The information set forth in this affidavit is derived from my own investigation, and/or communicated to me by other sworn law enforcement officers, and other reliable sources.

2. On Friday, July 13, 2018, at or about 9:06 PM, your affiant was notified of a single vehicle crash with a fatality at ½ mile west of State Route (SR) 602 on Jones Ranch Road, Vanderwagen, New Mexico

1 (NM), located within exterior boundaries of Navajo Indian Reservation,
2 which is "Indian Country" in the District of New Mexico. The driver,
3 Wilson Joe, year of birth 1966, fled the scene before any first
responders arrived.

4 3. Affiant spoke with Navajo Police Officer Chris Sloan.
5 Officer Sloan communicated the white extended cab Nissan Frontier
6 truck (Nissan Frontier), was east bound on Jones Ranch Road and struck
7 a large tree after leaving the paved roadway. The Nissan Frontier
8 crashed into the large tree on the passenger side door and completely
9 crushed the door. The passenger E.B., year of birth 1980, hereafter
10 as Jane Doe 1, was seated in the passenger seat with seat belt on, was
11 killed. Jane Doe 1 had her abdominal cavity torn open exposing her
12 intestines and other vital organs. The rear seat passenger A.B., year
13 of birth 1983, hereafter as Jane Doe 2, was pinned inside the Nissan
14 Frontier. Jane Doe 2 legs were trapped between the front seat and
15 rear passenger door. Jane Doe 2 had to be extricated with "jaws of
16 life" tool by Fire and Rescue personnel. Jane Doe 2 was transported
to Gallup Indian Medical Center (GIMC), Gallup, New Mexico, but later
was transferred to University of New Mexico Hospital (UNM-H),
Albuquerque, New Mexico. The driver of the Nissan Frontier, Wilson
Joe, fled on foot into the wooded area and was not located.

17 4. On Wednesday, July 18, 2018, affiant spoke with Jane Doe 2
18 at UNM-H. Jane Doe 2 communicated she met Jane Doe 1 and her
19 "boyfriend" at Giant Store in Gallup, New Mexico at about 4:30 PM, on
20 Friday, July 13, 2018. Jane Doe 2 got into the Nissan Frontier and
21 observed several boxes of Bud Light (open 18 pack box with 8 - 12
22 ounce cans remaining & unopened 30 pack box). Jane Doe 2 said Jane
23 Doe was driving and the "boyfriend" was the passenger, whom was
24 "drunk" and Jane Doe 1 "seem ok". Jane Doe 2 said the "boyfriend"
25 wanted to pick up his bag that contained his work credentials, credit
cards and other personal items from his mom's house. While en route,
they picked up a hitchhiker near Continental Divide Electric Company
(south of Gallup on SR-602). Jane Doe 2 stated they picked up the bag

1 from the "boyfriend" mom's house. Jane Doe 2 stated they opened the
2 30-pack box of Bud Light as they were leaving the "boyfriend" mom's
3 house. They dropped off the hitchhiker near an abandon store on
4 Cousins Road. Afterwards, they ended up at another residence of an
5 old man and stayed for about 20-30 minutes and it started to rain.
6 Jane Doe 2 said, Erina's "boyfriend" started driving. The "boyfriend"
7 kept engaging and disengaging the 4x4 because the Nissan Frontier was
8 sliding around. Jane Doe 2 said, "It was raining pretty hard". Jane
9 Doe 2 recalls stopping at two other places before she "blacked out"
10 from "slamming" unknown amount of Bud Light.

11 5. Jane Doe 2 described the "boyfriend" as a tall Navajo guy
12 with eyeglasses, skinny, trimmed mustache, and short gray hair. Jane
13 Doe 2 said she would recognize him again if she ever saw him again.
14 Jane Doe 2 was shown a picture of Wilson Joe. Jane Doe 2 immediately
15 identified Wilson Joe as the "boyfriend" of Jane Doe 1. Jane Doe 2
16 did not know his name because Jane Doe 1 and Wilson Joe kept calling
17 each other babe during the time she was with them.

18 6. Jane Doe 2 does not remember what happen after she "blacked
19 out". Jane Doe 2 said woke up inside a dark room with white walls and
20 told she was at UNM-H in Albuquerque, NM. Jane Doe 2 said she was in
21 a lot of pain. Jane Doe 2 said her pelvic bones are fractured, all
22 her bones on her right leg are fractured, and several fractured bones
23 on her left leg. Jane Doe 2 had surgery and the surgeon placed metal
24 plates, pins and rods to keep the fractured bones in proper position
25 during healing. Jane Doe 2 had lacerations to left eye orbital area
and a laceration that begins at the middle of the forehead to the top
of head.

7. Jane Doe 1 was pronounced dead on Saturday, July 14, 2018
at 2:50 AM, at the crash location by New Mexico Office of the Medical
Investigator (OMI), Deputy Medical Investigator Summer Baker.

1 8. The area at which the vehicle crash occurred on Jones Ranch
2 Road is a well-maintained 2-laned paved roadway, with soft shoulder on
3 both sides of the road. The crash site is at a slight incline that
4 leads into a curve. The roadway condition was wet, with heavy
5 rainfall on the night of the crash. The speed limit leading into the
6 curve is 25 MPH (miles per hour).

7 9. The 2017 white Nissan Frontier truck with New Mexico plate
8 PJJ-596, VIN Number 1N6DD0FV0HN715851, is registered to Alice Etsitty
9 and Wilson Joe. The vehicle was impounded on July 14, 2018. The
10 vehicle is in a secured location at 3200 West Highway 66 (Gallup FBI
11 Office), New Mexico.

12 10. The 2017 white Nissan Frontier has an onboard computer
13 module system that may capture vehicle operations data to include any
14 collision and/or crash data. The system may store data on or within
15 the internal and/or external memory of the devices. Affiant further
16 believes that the vehicle may have additional computer and sensory
17 equipment capable of being removed and/or from which information may
18 be downloaded that will provide additional information regarding the
19 vehicle just prior to the crash in question, including information on
20 the driving condition of the vehicle, travel speed, braking, throttle
21 position, and engine revolution per minute (RPM). This data may be
22 downloaded via the diagnostic port on the vehicle or the entire module
23 may be removed from the vehicle for later examination off site.

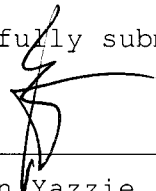
24 11. Your affiant respectfully requests permission to enter the
25 above-mentioned vehicle to photograph the interior and exterior,
retrieve any blood or fiber evidence, located within the vehicle for
analysis, and to retrieve any alcohol containers within said vehicle.

12. Based upon the information provided in this affidavit, your
affiant believes that contained within the 2017 white Nissan Frontier
with New Mexico plate PJJ-596, VIN Number 1N6DD0FV0HN715851, is
registered to Alice Etsitty and Wilson Joe, an Indian male, that

1 killed Jane Doe 1, an enrolled Navajo Tribal member, and there may
2 exist inside the said vehicle, evidence of DNA fibers or bloody
3 fluids, and to included any collision and/or crash data devices,
4 indicative of a crime, in violation of Title 18 USC, sections 1153 and
5 1112 (a), Involuntary Manslaughter; and in violation of Title 18 USC,
6 section 113 (a)(6), and injuries resulting in Serious Bodily Injury of
7 Jane Doe 2.

8 I swear that this information is true to the best of my
9 knowledge and belief.

10 Respectfully submitted,

11 
12 Benjamin Yazzie
13 Criminal Investigator
14 Navajo Dept. of Criminal Investigation
15 Crownpoint District

16 Subscribed and sworn to before me this 24th day of
17 July, 2018.

18 
19 United States Magistrate Judge

20
21
22 Reviewed and approved by AUSA Michael Murphy
23
24
25